

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, JULY 16, 2015 AT 3:00 P.M.
1ST FLOOR COMMISSION CHAMBERS
CITY HALL

Cumulative
Attendance
10/14 through
9/15

Board Members

	Attendance	Present	Absent
Thornie Jarrett, Chair	P	7	1
Joe Holland, Vice Chair	A	4	4
John Barranco [3:04]	P	7	1
Joe Crognale	P	8	0
Pat Hale	P	8	0
Don Larson	P	8	0
John Phillips	A	7	1
Ian Seitel	P	5	1
Michael Weymouth	P	6	2

City Staff

Lori Grossfeld, Board Secretary
Porshia Goldwire, Administrative Aide
George Oliva, Building Inspector
Jose Abin, Building Inspector
Alejandro DelRio, Building Inspector
Robert Masula, Building Inspector
Rhonda Hasan, Assistant Attorney
Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE15060588: Julian Rubio, owner; Antonio Del-Toro, contractor
CE15061069: Michael Eisenband, mortgage holder

<u>Index</u>		
<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE15061069	DURHAM, DUSTY KEITH	<u>3</u>
	1511 NE 17 AVE	
Disposition:	The Board found the violations existed as cited and ordered the owner to demolish the structure within 5 days or the City will. Board approved 7-0.	
2. CE15060588	RUBIO, JULIAN E RUBIO, LISA T	<u>34</u>
	99 ROYAL PALM DR	
Disposition:	The Board found the violations existed as cited and ordered the owner to partially demolish the structure within 35 days or the City will. Partial demolition should include all of the existing vertical masonry walls, down to the existing grade beam, and removal of debris from the site Board approved 7-0.	
3. CE15061077	SMIGIEL, JOHN	<u>52</u>
	1616 SW 18 AV	
Disposition:	The Board found the violations existed as cited and ordered the owner to demolish the structure within five days or the City will. Board approved 7-0.	
	Board Discussion	<u>57</u>
	Communication to the City Commission	<u>63</u>
	For the Good of the City	<u>63</u>

The regular meeting of the Unsafe Structures Board convened at 3:01 p.m. in the 1st Floor Commission Chambers, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

1 **Approval of meeting minutes**

2 Motion made by Mr. Larson, seconded by Mr. Seitel,
3 to approve the minutes of the Board's June 2015 meeting. In a
4 voice vote, motion passed unanimously.

5
6 **All individuals giving testimony before the Board**
7 **were sworn in.**

8
9 **Cases**

10 **1. Case: CE15061069**

INDEX

11 **DURHAM, DUSTY KEITH**

12 **1511 NE 17 AVE**

13 MS. GOLDWIRE: The first case on the July 16, 2015
14 USB agenda is case CE15061069, that's page two. The property
15 address is 1511 Northeast 17 Ave. The owner is Dusty Keith
16 Durham. The Inspector is Robert Masula.

17 The property was posted on 6/25/15 and advertised in
18 the Daily Business Review on 6/26/15 and 7/2/15. Also,
19 additional proofs of notice are on the agenda.

20 INSPECTOR MASULA: Good afternoon Board.

21 MR. WEYMOUTH: Good afternoon.

22 CHAIR JARRETT: Good afternoon Inspector.

23 INSPECTOR MASULA: Robert Masula, Fort Lauderdale
24 Building Inspector, presenting case CE15061069. Property
25 address, 1511 Northeast 17 Avenue.

1 [Inspector Masula displayed photos of the property]

2 Board, I would like to give you a background on the
3 property and the history of the Code cases and the violations
4 for this property. Since two thousand eleven, there has been
5 sixteen Code cases -- sixteen Code cases -- with the majority
6 of the complaints that originated from the local neighbors.

7 This property was brought before this Board just
8 three months ago in April for the main house, which the Board
9 approved the complete demolition of the main house. The
10 demolition took place, of the house, a week ago under demo
11 permit 15062688, which passed final inspection and that permit
12 has since been closed.

13 To our surprise, we were not aware that there was a
14 detached structure in the rear of this property. The Building
15 Official and my Chief, Compliance Chief, George Oliva, made a
16 site visit to this property on June 16, 2015 which at that
17 time they deemed the detached structure as an unsafe and
18 posted this building as unsafe.

19 I made my follow-up site visit to this property on
20 July 8, 2015. On my visit I went into this building and took
21 pictures that are provided to you today. My findings were the
22 building is unsecured. There are windows and door openings
23 unsecured which allow people to trespass into this unsafe
24 structure. There are signs that squatters have been staying
25 inside this unsafe structure. There were even signs of drug

1 paraphernalia and syringe needles were present.

2 Mr. Barranco arrived at 3:04.

3 As outlined in the Notice of Violation before you,
4 this unsafe structure was originally permitted as a game room.
5 The electrical has been illegally energized, it is also
6 unsafe. Overall, a potential fire hazard. More than fifty
7 percent of this building was illegally converted from a game
8 room into an apartment unit without the required permits,
9 inspections or Certificate of Occupancy.

10 This unsafe structure continues to pose a health
11 hazard and a danger to the community and the surrounding
12 properties. We are asking for the Board to find for the City
13 at this property is unsafe and to order the property owner to
14 demolish this unsafe structure within the next five business
15 days. Thank you.

16 CHAIR JARRETT: Okay, Bobby, hold on one second.
17 Jamie, first of all, we'd like to acknowledge the fact that
18 John has arrived. And, does any member of the Board have a
19 question?

20 MR. SEITEL: Excuse me Mr. Chair, would you like to
21 first inquire as to whether or not anybody's had any contact
22 with any of the parties?

23 CHAIR JARRETT: Could staff or Rhonda, could you
24 advise us, City Attorney?

25 MS. HASAN: I didn't hear the question, but I'd be

1 happy to answer it.

2 CHAIR JARRETT: Who has been advised of this Notice
3 of Violation?

4 MS. HASAN: Service-wise?

5 MR. SEITEL: That actually wasn't my question.

6 MS. HASAN: Oh.

7 CHAIR JARRETT: Oh, I'm sorry.

8 MR. SEITEL: I wanted to make sure that nobody on
9 the Board had any contact --

10 CHAIR JARRETT: Oh, you're absolutely right. You're
11 right, thank you. It's been thirty whole days here. So, per
12 our Board rule, do we have anyone who has a, any contact with
13 any of the parties involved?

14 MR. LARSON: [inaudible] contact with any of the,
15 anything that's on the agenda.

16 CHAIR JARRETT: I really wasn't looking at you like
17 that, Don. Okay, so, all right, we're clear then. Did you
18 have a question about service too? No?

19 MR. SEITEL: No.

20 CHAIR JARRETT: That was it? Never mind.

21 MS. HASAN: I'm happy to answer questions. I've
22 actually went to the property myself with the Building
23 Official, so.

24 CHAIR JARRETT: Okay. All right. Does any member
25 have a question for the Inspector before we hear from the

1 respondent?

2 MR. CROGNALE: Thornie, I do, I do have a question
3 on it.

4 CHAIR JARRETT: Okay, Joe?

5 MR. CROGNALE: Good afternoon Mr. Masula, how are
6 you? My question is, in my opinion, in my eyes, I'm looking
7 at something that's probably not within the permit application
8 as you said it wasn't permitted properly.

9 INSPECTOR MASULA: Correct.

10 MR. CROGNALE: But I don't see anything that's
11 really extreme unsafe with what I'm seeing. That is not
12 correctable, rather than demolition.

13 INSPECTOR MASULA: Well, the fact that the main
14 house, again, was demoed, this being a detached structure, I
15 believe it was permitted as a game room at the time that the
16 original house was built. Yes, the building is unsecured.
17 Yes, there's squatters that have been staying there. There,
18 again, the electrical was illegally energized. My opinion,
19 that's definitely a potential fire hazard. And the fact that
20 the main structure came down, our opinion is that this
21 detached structure needs to come down.

22 MR. CROGNALE: All right, the reason for my question
23 is, is there a possibility that any after-the-fact permit with
24 proper engineering and proper contracting, couldn't restore
25 this?

1 INSPECTOR MASULA: No.

2 MR. CROGNALE: Okay.

3 MS. HASAN: If I could -- I was just discussing it
4 also with Inspector Oliva -- because it was an accessory
5 structure and because there is no primary structure, hence
6 there's no CO for the primary residence, that can't stand by
7 itself.

8 MR. CROGNALE: Okay. That answered my question now.

9 MS. HASAN: And would not be permittable as such.

10 MS. HALE: Could I ask one question of you?

11 CHAIR JARRETT: Sure Pat.

12 MS. HALE: Was it on the tax rolls as two separate
13 properties that were taxed?

14 MS. HASAN: Excellent question. No, it was not.

15 MS. HALE: So this has been tax-free.

16 MS. HASAN: To the best of my knowledge, it appears
17 so.

18 MS. HALE: Okay.

19 CHAIR JARRETT: I have a quick question for the
20 Inspector. When it was originally built, was it permitted
21 with a kitchen and a bathroom as a game room? Or do we have
22 all this plumbing and all this electric that's been added with
23 no permits and no inspections?

24 INSPECTOR MASULA: Honestly sir, I'm not a hundred
25 percent sure. When we looked at the --

1 MS. HASAN: I know. The only reason why I know,
2 again, is because I went out with the Building Official with
3 the set of plans --

4 CHAIR JARRETT: Sure.

5 MS. HASAN: -- to look at the original, the front
6 structure. When we went to the back, both of us were rather
7 surprised to find basically an illegal, habitable living
8 space. It wasn't as unsecured as when Inspector Masula went
9 out, but no, it was permitted as a game room with basically, I
10 mean, as a game room, I don't know what that means in the
11 eighties, but it was permitted without any electrical,
12 plumbing, anything like that. So there was --

13 CHAIR JARRETT: So it would be --

14 MS. HASAN: -- it was supposed to be like a little
15 shed, a finished shed that people could, I guess, have a pool
16 table in, but it's not meant to have any of those --

17 CHAIR JARRETT: So, technically --

18 MS. HASAN: -- additions.

19 CHAIR JARRETT: -- under the law that this Board
20 operates, it's an unsafe structure because all of this has
21 been added with no permits or -- am I correct in that
22 assumption?

23 INSPECTOR MASULA: I would agree with that.

24 MR. WEYMOUTH: I -- Mr. Chair?

25 CHAIR JARRETT: And, you know, answers your question

1 Joe.

2 MR. CROGNAL: Yes, he answered my question.

3 CHAIR JARRETT: Yes Mike?

4 MR. WEYMOUTH: And I, actually, you're probably the
5 best person to -- no, I've got a microphone.

6 CHAIR JARRETT: Oh, it does work.

7 MR. WEYMOUTH: Yes. I just, I'm whispering. And
8 you actually are probably the right person to answer this
9 question, but, FP and L doesn't just go and put meter cans on
10 buildings, and I saw a meter can on here. So there had to
11 have been some sort of permit pulled to add the electrical.
12 Whether the plumbing and all that is added without any
13 permits, that I don't know. But I am ninety-nine point eight
14 three percent sure that FP and L will not energize a meter can
15 that hasn't been permitted.

16 MS. HASAN: I can just tell you, again, certainly
17 from my conversations going out there with the Building
18 Official, with John Travers, that he personally did the
19 research on the property because we had some ancillary legal
20 proceedings in circuit court. And prior to that we wanted to
21 A. Visit the property and ascertain the accurate history of
22 the property and the only thing he found was that the
23 secondary structure was permitted as an accessory structure to
24 the main house as a game room with no electric. And he had
25 the copy of the plans from the City that he had printed out

1 for the ancillary legal proceeding.

2 MS. HALE: Well, I could see having electric. You
3 can't play ping-pong at night in a game room, if you didn't
4 have a light.

5 MR. WEYMOUTH: Not very well.

6 CHAIR JARRETT: Right, but you wouldn't have a
7 separate meter from your game room in your home. That's the
8 point Michael was making.

9 MS. HALE: Well, there were two, there were two
10 separate -- am I right? There were two -- as a game room it
11 was a separate structure from the house.

12 MR. WEYMOUTH: It was detached from the original
13 structure.

14 INSPECTOR MASULA: That is correct. I would like to
15 add one more thing. This detached structure was apparently
16 possibly added onto, where it's encroaching in the setbacks.

17 MS. HALE: Oh.

18 INSPECTOR MASULA: And the way the thing is built
19 within the setbacks, my opinion, even if hypothetically if you
20 went to properly permit this thing today it would not get
21 approved.

22 MS. HALE: Right. Understood.

23 CHAIR JARRETT: Okay. Don?

24 MR. LARSON: Inspector? I noticed in there they
25 have a sink and stuff like that. Did anybody check to see if

1 there's a permit pulled for the plumbing --

2 INSPECTOR MASULA: The only --

3 MR. LARSON: -- [inaudible] that drywell or a septic
4 tank.

5 INSPECTOR MASULA: To the best of my knowledge, the
6 only thing that was originally permitted was simply a bathroom
7 and that bathroom was expanded and added onto is my
8 understanding.

9 CHAIR JARRETT: Okay.

10 INSPECTOR MASULA: And I should clarify, the
11 bathroom apparently was a water closet.

12 MR. LARSON: Okay.

13 CHAIR JARRETT: A half-bath.

14 INSPECTOR MASULA: Correct.

15 CHAIR JARRETT: Yes.

16 MR. LARSON: Either way, they've got to have a sewer
17 line going either out to the main sewer or else they've got to
18 have a septic tank. And if they had to, they would have to
19 have a permit either way, to my knowledge.

20 INSPECTOR MASULA: Right.

21 CHAIR JARRETT: Joe?

22 MR. CROGNAL: Yes. That picture, if you leave that
23 picture up with the electrical, with the electrical connection
24 on there. I'd like to reinforce what Mike, my colleague Mike
25 says. That was done by a professional. And as he did make a

1 statement that FP and L will not light up unless there's an
2 inspection from the Building Department before they come in
3 and light that thing up. That was done by a professional.
4 This picture that's there now. Just to reinforce what Mike's
5 observation was.

6 MS. HALE: Joe, can you tell what age it, I mean, if
7 you look at it, do the boxes change over the years?

8 MR. CROGNALE: That's pretty modern stuff. That's -
9 -

10 INSPECTOR MASULA: I'd like to add to that sir. For
11 one, when the original house was originally built with this
12 detached structure built at approximately the same time, my
13 opinion, that electrical service that's there is not the
14 original service from day one. That thing, yes, has been
15 added and yes, it appears to be professional. There is no
16 permit record of that meter, that service being upgraded.

17 CHAIR JARRETT: Bobby, what date was the house
18 built? Do you have that handy?

19 INSPECTOR MASULA: I've got to double check. Bear
20 with me one minute please.

21 MR. CROGNALE: Well, for a tiebreaker opinion --

22 MR. LARSON: Hang in there, you'll get a chance to
23 talk yet.

24 MR. EISENBAND: I don't have much to say.

25 MR. CROGNALE: -- we can ask our chairman, who is an

1 electrician. He could be the tiebreaker.

2 CHAIR JARRETT: Well I, you're absolutely correct,
3 Joe, that meter is like not more than twenty years old max.
4 And probably that disconnect, main disconnect panel is
5 probably not more than twenty or twenty-five years old. So
6 you're right. That's the new style meter. We still use that
7 meter. I'm curious when this house was built. Well that's
8 all right, while you all look for that, what --

9 MS. HASAN: I believe it's the seventies or
10 eighties, and I don't want to give an exact date, but I --

11 CHAIR JARRETT: Oh, okay. So this is not an old
12 home, really.

13 MS. HASAN: My recollection, again, from --

14 CHAIR JARRETT: Okay.

15 MS. HASAN: -- pulling, having --

16 CHAIR JARRETT: All right.

17 MS. HALE: Don't forget, the house is gone. We
18 already demolished it.

19 CHAIR JARRETT: Right. Well, I think that if we
20 don't have any more questions for Bobby right now that we
21 probably ought to move on to the respondent, he's been very
22 patient standing there waiting to get a word in edgewise. And
23 maybe it'll shed some light on where we need to go with this.

24 MR. EISENBAND: Thank you very much.

25 CHAIR JARRETT: Could you introduce yourself for the

1 record, please?

2 MR. EISENBAND: Sure. Thank you very much. My name
3 is Michael Eisenband. I don't represent the owner of the
4 property, I represent the senior mortgage holder, and I'm just
5 here to see what the panel decides and report it back to my
6 client. Thank you.

7 CHAIR JARRETT: Oh, okay, so, Rhonda, we don't have
8 the owner responding at all?

9 MS. HASAN: No sir.

10 CHAIR JARRETT: Is this in some type of proceedings,
11 this piece of property?

12 MR. EISENBAND: Yes, it is in foreclosure and the
13 foreclosure sale is currently scheduled for next month.

14 MS. HALE: Yes.

15 CHAIR JARRETT: Okay.

16 MR. WEYMOUTH: The prior structure, was it a duplex?

17 MS. HASAN: Nope.

18 MS. HALE: No.

19 MS. HASAN: Single-family residence.

20 MR. WEYMOUTH: I'm trying to look up to the age of
21 the building going through Broward County Property Appraiser's
22 and it notices in this that there are two units associated
23 with this property address.

24 MS. HALE: The back one that's permitted.

25 MR. WEYMOUTH: That's what I, that's part of what

1 the --

2 MS. HALE: You see, yes, yes.

3 MR. WEYMOUTH: They will not identify a team room as
4 a unit.

5 MS. HALE: A unit. But some of these must have been
6 active then, so he is paying the taxes.

7 MS. HASAN: It does? Oh yes, I'm, you know, I
8 apologize. Nineteen fifty-two, but then, I wish, yes fifty-
9 two I see. Then I want to say that I know the game, there was
10 something with the seventies or the eighties and perhaps it
11 was the game room that was added at that time. I know it was
12 not the fifties. We need to --

13 MR. WEYMOUTH: Yes, they've got nineteen fifty-two
14 as the year built also.

15 MS. HASAN: Yes.

16 MS. HALE: But that would have been the house we
17 knocked down.

18 MR. WEYMOUTH: Right.

19 MS. HASAN: Correct.

20 CHAIR JARRETT: Yes. That would have been the
21 fifty-two. But I can tell you that if this was, if the game
22 room was built in the seventies, it's possible, if they built
23 it as a game room, but they might have intended to make it --

24 Because the house I live in right now, they said
25 they were enclosing the carport in sixty-four and it was an

1 apartment. All my neighbors have told me. They did
2 everything to make it an apartment, a kitchen and a bathroom.

3 MS. HALE: Right.

4 CHAIR JARRETT: And that might have been the intent
5 of this owner at that time, and they might have been able to
6 pull off putting that meter on there because that meter would
7 fit into that time period. And they could have had it.

8 You know, even though they pulled a permit for a
9 game room they intended to use it improperly from the very
10 beginning, and that's how the meter got there. So in other
11 words, it could all be just a ruse from back in the seventies.
12 If it's a game room, it's a game room.

13 MR. WEYMOUTH: Can you start to scroll the pictures
14 again?

15 CHAIR JARRETT: Does it look like it's built right?

16 MR. BARRANCO: Looks great, the structure.

17 MR. LARSON: It's built very well.

18 MR. WEYMOUTH: I'm just trying to see if there's
19 exposed wiring running throughout and that kind of thing.

20 MR. LARSON: No.

21 MS. HALE: No, but it's, the setbacks on it are
22 incorrect.

23 CHAIR JARRETT: No, they could have pulled the
24 permit for the game room but they could have just made it an
25 apartment.

1 MS. HALE: Yes. There's an outlet.

2 MR. LARSON: It's all back in the wall.

3 INSPECTOR MASULA: Board, I just want to mention one
4 other thing: there is a possibility this neighborhood, these
5 lots are very, very deep. And there's easements that run in
6 the back side of the property, and there's a strong
7 possibility that the original service for the main house might
8 have possibly ran through what was originally a meter on this
9 detached property and might have fed into the main house,
10 which is no longer there.

11 CHAIR JARRETT: You know, that's a good possibility.
12 The meters were fed from overhead services in the back of the
13 house, is that what you're saying?

14 INSPECTOR MASULA: Possibly, sir.

15 CHAIR JARRETT: Oh, well, that was a common
16 practice.

17 MR. WEYMOUTH: Yes, but the structure that was torn
18 down was built in fifty-two, this was built in the seventies
19 so they would not have --

20 MR. LARSON: That's --

21 MR. WEYMOUTH: -- abandoned the [inaudible], or, I
22 mean the electric on one structure to put --

23 CHAIR JARRETT: How -- no -- however, they could
24 have needed additional service when this structure was built
25 and at that point it made more sense to put the new service on

1 the new building and re-feed the old house. That makes sense.

2 MS. HALE: Yes.

3 INSPECTOR MASULA: And again --

4 CHAIR JARRETT: No, you're absolutely correct. That
5 makes sense.

6 INSPECTOR MASULA: And again, according -- okay.

7 MS. HALE: Yes.

8 CHAIR JARRETT: Yes, yes. You see what we're
9 saying?

10 MR. WEYMOUTH: I hear what you're saying and I don't
11 see a weather head or an overhead feed so.

12 CHAIR JARRETT: Yes, no, that's, yes. Because --

13 MS. HALE: Was this property just demolished, that
14 first house?

15 INSPECTOR MASULA: The front house, main house, was
16 demolished less than ten days ago.

17 MS. HALE: Oh, okay.

18 INSPECTOR MASULA: And again, that the permit was
19 closed out.

20 MS. HALE: Yes.

21 CHAIR JARRETT: Does the mortgage holder feel that
22 there's any value in this structure?

23 MR. EISENBAND: To be quite honest with you, I'm not
24 sure. We weren't even aware that a separate structure existed
25 until recently.

1 CHAIR JARRETT: So as far as you knew, you were
2 getting a vacant lot back.

3 MR. EISENBAND: Well, we knew there was the main
4 structure on the property.

5 CHAIR JARRETT: Right.

6 MR. EISENBAND: We weren't aware that this second
7 structure existed.

8 MS. HALE: Yes.

9 MR. EISENBAND: The only thing I would like to add
10 is that there does seem to be a bit of confusion as to whether
11 this property was permitted, whether the electrical was
12 permitted or not, and the only thing I would say to the Board
13 is that maybe we should hold off on declaring the building
14 unsafe until the City is sure that it was built without
15 permit.

16 MR. WEYMOUTH: Mr. Chair?

17 CHAIR JARRETT: Yes.

18 MR. LARSON: Yes --

19 CHAIR JARRETT: Mike first.

20 MR. WEYMOUTH: Would the bank be willing to take
21 additional measures to protect the house, the structure,
22 whatever you want to call it, in the short term until you guys
23 resolve your legal problems? Put up an eight-foot chain-link
24 fence or do additional board-up measures or something like
25 that.

1 MR. EISENBAND: Before we knew that this separate
2 structure existed and there was the main house, we had our
3 property preservation company go over there and secure that
4 property. I wasn't aware that this second house, or this
5 second structure, was unsecured. As to what steps we could
6 take to secure that property, I don't know. I'm not sure, you
7 know, I'm not a contractor, I'm not skilled to tell you how to
8 properly secure it.

9 And I'm also not saying that the building isn't
10 unsafe or it wasn't permitted. I don't know. My only
11 suggestion is that maybe there should be a, we could hear this
12 again in a month or something after the City's able to really
13 investigate and look at the permits and see if they were
14 pulled or if it is improper.

15 MS. HASAN: Well, Mr. Chair, we would be opposed to
16 that for a couple of reasons. One: the bank was aware that
17 there was a secondary illegal structure when the bank
18 attempted in court to get a temporary injunction to prevent
19 the City from demolishing the first structure.

20 And at that time, the bank was unsuccessful and the
21 City prevailed in the action by the bank. At that time, the
22 Building Official, and I -- obviously I was arguing on behalf
23 of the City -- and the Building Official was present and did
24 give sworn testimony with regard to the status of the building
25 in the back, which, again, at the time he and I visited

1 shortly before the hearing on the temporary injunction, was
2 secured.

3 I suppose the property management company, you know,
4 this is a recent, I don't know if they're continually going
5 out there. What we could do, if there is concerns by the
6 Board, we could pass this case, since there are other two
7 cases and we can see if the Building Official can come over.
8 He's got a file, I have a file upstairs from the court action,
9 and we can answer any questions that the Board members may
10 have.

11 MR. LARSON: [inaudible]

12 CHAIR JARRETT: He's not in town? Or I can get my
13 file upstairs, see if there's any -- no, huh?

14 CHAIR JARRETT: Okay, Don?

15 MR. LARSON: In the end, gentlemen and lady and Pat,
16 the thing that I find when the inspector was talking and
17 listening very closely to him is the fact that if we even try
18 to save this structure it's going to have to come down anyhow,
19 because it's not, it's in the setback area and it's not going
20 to get approved.

21 So why are we dealing with trying to save it, and
22 it's of no basic value the way it sets, to the sale of the
23 property. And it would be better off to tear it down and have
24 a clean piece of property and move because it's not going to
25 pass inspections. And it's not going to pass because it's

1 sitting in the setback zone.

2 CHAIR JARRETT: Yes.

3 MR. LARSON: So it's just a waste of time for, let's
4 just do what we have to do and move forward.

5 MS. HASAN: And it's an accessory use to --

6 MR. LARSON: To the other.

7 MS. HASAN: To nothing, at this point.

8 CHAIR JARRETT: I think that's a good point Don.
9 Anyone else have a comment?

10 MR. CROGNALE: Yes, one comment to the respondent.

11 CHAIR JARRETT: Yes Joe.

12 MR. LARSON: I'll make a motion --

13 MR. CROGNALE: Are you folks in actual possession of
14 this property?

15 MR. EISENBAND: No, we're not, sir.

16 MR. CROGNALE: Okay, so it's still in a limbo thing.
17 The owner's not representing himself or has any personal
18 representation, you guys don't have ownership.

19 MR. EISENBAND: Correct sir, we're not going to have
20 ownership for another month.

21 CHAIR JARRETT: And we've been down this road
22 before, that you can't pull permits to do any repairs until
23 you own the property and that can take months before that
24 happens. And we are in hurricane season, although hopefully
25 we won't see a hurricane. Do you want to make a motion Don --

1 MR. LARSON: I'll make a motion.

2 CHAIR JARRETT: -- and let's see how the Board
3 feels?

4 MR. LARSON: I move that we find that the violations
5 exist as alleged, and that we order the property owner to
6 demolish the structure within five days, and that we order the
7 City to demolish the structure should the property owner fail
8 to timely demolish. Such demolition is to be accomplished by
9 a licensed demolition contractor pursuant to the City issued
10 demolition permit.

11 MS. HALE: I'll second.

12 CHAIR JARRETT: Okay, so we have a motion on the
13 floor and we have a second. Does anyone have any discussion
14 beyond what we've already -- John?

15 MR. BARRANCO: I've got a question for the attorney.
16 If we gave these guys a month, let's say you got through this
17 whole foreclosure proceeding. You're saying it's going to
18 occur within a month?

19 MR. EISENBAND: I'm sorry sir. Go ahead.

20 MR. BARRANCO: The foreclosure proceeding is going
21 to --

22 MR. EISENBAND: It's currently scheduled for August
23 12.

24 MR. BARRANCO: And I wish we had our expert on
25 foreclosures on the Board today, but after that, you guys own

1 it?

2 MR. EISENBAND: After that, then CT has to issue, it
3 could be anywhere between -- and I'm approximating here -- it
4 could be up to twenty, thirty days for us to get title to the
5 property.

6 MR. BARRANCO: So, two months --

7 MR. EISENBAND: And that --

8 MR. BARRANCO: -- and then you would own it.

9 MR. EISENBAND: Right.

10 MR. BARRANCO: Then we'd have a -- so if we --

11 MR. EISENBAND: But that's, it's also possible that
12 at the sale, it could go to another party.

13 MR. BARRANCO: Okay.

14 MR. EISENBAND: We might not own the property.

15 MR. BARRANCO: That's fine. So then, now, in this
16 case, we have a motion. So this motion is to tear down the
17 building, and then the City's probably going to file a lien,
18 correct? On the property --

19 MR. LARSON: It's sitting in the setback.

20 MR. BARRANCO: He's going to -- that has nothing to
21 do with Unsafe Structures. But what happens with the City and
22 how does that affect the foreclosure if we carry through with
23 this motion? Does it hold up the foreclosure?

24 MS. HASAN: No, it doesn't hold up the foreclosure.

25 MR. BARRANCO: So he can move forward with that --

1 MS. HASAN: Yup.

2 MR. BARRANCO: -- and that, what happens from --

3 MS. HASAN: The City still gets paid on that because
4 it's a hard costs lien, so that lien, even though it's post-
5 lis pendens still survives. The City still would collect
6 ultimately --

7 MR. BARRANCO: You would?

8 MS. HASAN: -- at some point on the cost of removal.

9 MR. BARRANCO: Well it, unless we don't remove it.

10 MS. HASAN: I'm sorry?

11 MR. BARRANCO: Well, we won't have time to remove
12 it. You guys aren't going to remove it in the next week, are
13 you?

14 MS. HASAN: That, I rely on staff.

15 MR. BARRANCO: It usually takes some time.

16 INSPECTOR MASULA: We can try.

17 MR. WEYMOUTH: That's, what exactly I was going to -
18 - you brought up a good point. I mean, we order this
19 demolition, the reality of it is, I don't think it's going to
20 get demolished before his August 12 date.

21 MR. BARRANCO: Right.

22 MR. WEYMOUTH: So now you've got a buyer in there
23 that's looking at the property, anticipating that building to
24 be there --

25 MR. BARRANCO: Right.

1 MR. WEYMOUTH: You know, I don't see, I'm starting
2 to follow you down the rabbit hole John. I, thirty days for
3 them to clarify everything, ultimately understand whether the
4 bank is going to get the property back or if there's another
5 buyer. I --

6 MR. BARRANCO: We may be dealing with a new owner
7 and a new case with a new property owner.

8 MR. WEYMOUTH: With some money.

9 MS. HASAN: Well --

10 MR. BARRANCO: Right.

11 MS. HASAN: Respect --

12 MR. LARSON: [inaudible] in the setback.

13 MS. HASAN: Right.

14 MR. WEYMOUTH: But it was approved at the time it
15 was constructed to be in the setback so --

16 MS. HASAN: No.

17 MR. WEYMOUTH: -- it doesn't have to be demolished,
18 because --

19 MS. HASAN: [inaudible] correct.

20 MR. LARSON: But it's, there's nothing in the record
21 that said it was approved.

22 MR. BARRANCO: We, as a Board --

23 MR. WEYMOUTH: Yes, they've got a permit to build
24 it.

25 MS. HALE: Yes, they had a permit to build.

1 MS. HASAN: Not.

2 CHAIR JARRETT: Well, but the Inspector has
3 testified that --

4 MR. LARSON: What I heard --

5 CHAIR JARRETT: -- in fact, the structure was added
6 onto after the original building.

7 MS. HASAN: Correct. The dimensions are not the
8 same.

9 MR. CROGNAL: Is there such thing as variances?

10 CHAIR JARRETT: And I would assume that the addition
11 is in the setback, and there's no permit for that.

12 MR. WEYMOUTH: I assume that the addition was the
13 bathroom and the kitchen as well.

14 CHAIR JARRETT: Could be. Maybe Bobby could answer
15 that question.

16 MS. HALE: Was the permit for this game room? Was
17 there a City permit issued to build a game room?

18 MS. HASAN: For the game room, yes, yes ma'am. A
19 detached game room.

20 MS. HALE: But then that [inaudible]

21 MR. WEYMOUTH: And that is something less than what
22 is in place right now.

23 MS. HASAN: Yes sir.

24 MR. WEYMOUTH: So, the building has been expanded
25 into the setback.

1 MS. HASAN: Yes, it was, it's substantially less in
2 terms of --

3 MR. WEYMOUTH: So --

4 MS. HALE: And that was without permit.

5 MS. HASAN: Yes ma'am. Yes.

6 MR. WEYMOUTH: Again, to continue down that same
7 argument then you are correct Don, but that doesn't preclude
8 the new owner or the bank from removing the section of the
9 building that is in the setback to the original foundation and
10 wall and what have you. Unless they were very good and took
11 out the tie beam or whatever else.

12 MR. BARRANCO: So --

13 MR. CROGNAL: There's also the possibility of
14 applying for a variance.

15 MR. BARRANCO: Right.

16 MR. CROGNAL: To that.

17 MR. BARRANCO: So, going back to my, the whole point
18 I was trying to make is we could make the bank's life a lot
19 easier if maybe we revisited this in a month and we'd make --

20 MS. HASAN: Well, I would just --

21 MR. BARRANCO: -- the City's life a lot easier in
22 the long run because I think we'd be dealing with a new owner
23 either way, and if this structure was still unsafe than we'd
24 be able to tear it down --

25 MS. HASAN: Two points, if I may.

1 MR. BARRANCO: Uh-huh.

2 MS. HASAN: No, it would not make the City's life
3 easier. The City is prepared to move forward and immediately
4 demolish, as I understand it, because we've had conversations
5 with the Building Official.

6 And two: at the time we had the injunction hearing
7 in June, it was represented extremely strenuously by the team
8 of bank members that the sale was going to take place in mid-
9 June, they would have it in July, and it would be taken care
10 of. Now the sale, of course, the City prevailed on the
11 injunction, the sale has been moved to August.

12 In addition to that, the lender that appeared and
13 moved for the temporary injunctive relief that was denied has
14 assigned its rights to Bank of America to bid at the sale. So
15 the City is not confident at all that Bank of America -- if it
16 in fact is the successful bidder because there's a large lien
17 from the mortgage on the property, where it's probably not,
18 obviously, with or without the structure it's probably not
19 worth the amount of the lien. The City has no confidence that
20 Bank of America is going to do anything.

21 If in fact, the sale goes forward in August, since
22 it was strenuously represented to the circuit court it was
23 going to be mid-June. Nor would they, even if they take title
24 in September, if they're going to go forward and do anything
25 with it.

1 MR. BARRANCO: Okay.

2 INSPECTOR MASULA: If I can just add, Board? I met
3 with the demo contractor. You can just imagine it would have
4 been much more cost effective for him as the demo contractor
5 to demo both structures at once. Because of the legality, the
6 technicalities, yes, we had to come back because of this
7 separate structure.

8 The power is killed, the sewer is capped, this demo
9 contractor is prepared to come in and get a permit. After
10 five days, I will see that that permit is walked through. He
11 will schedule immediately. I am confident this thing will be
12 down within less than three weeks.

13 MR. LARSON: But John, as an investor and also as a
14 former builder, to bring that back into just the game room,
15 it's going to cost them more to bring it back than to tear it
16 down and start all over again. So that doesn't make sense
17 with everything that's going against it.

18 INSPECTOR MASULA: Eighty to a hundred thousand
19 dollars.

20 MS. HALE: You said Bobby, that the neighbors were
21 upset.

22 INSPECTOR MASULA: I've had a lot of contact from
23 neighbors. This thing's, again, it's had sixteen code cases
24 since two thousand eleven. The property's been an ongoing
25 problem for the neighborhood.

1 MS. HALE: Okay.

2 INSPECTOR MASULA: It is, it is --

3 MR. LARSON: Call the question.

4 INSPECTOR MASULA: When I was there, I felt nervous
5 because I'm looking around seeing the cups and the liquid in
6 the cups and it told me people were just in this place in the
7 last couple days. There's pictures that show containers that
8 are filled with syringe needles. These are not diabetics;
9 these are drug users; these are squatters.

10 MS. HALE: Okay.

11 INSPECTOR MASULA: This is a serious, serious
12 problem to this neighborhood.

13 MS. HALE: Okay.

14 CHAIR JARRETT: Okay.

15 MR. BARRANCO: And all that aside, it's probably
16 still an unsafe structure.

17 MS. HASAN: As well as vermin. Yes.

18 CHAIR JARRETT: Well --

19 MS. HASAN: There was vermin and raccoons also, so,
20 I know, when the Building Official and I went out. We took my
21 umbrella.

22 MS. HALE: Oh well, [inaudible] the raccoons.

23 MS. HASAN: It's been --

24 CHAIR JARRETT: Well, there's obviously several
25 issues here that make it definitely an unsafe structure. The

1 modification to the building. The condition of the building
2 now, the fact that it's open, that all makes it an unsafe
3 structure. Whether or not we as a Board decide to declare
4 that at this moment, we're about to find out. But I don't
5 think we can use technicalities to say that it wouldn't be an
6 unsafe structure.

7 MS. HASAN: And Mr. Chair, if I could, I'd just,
8 because, and I apologize that I said about the seventies or
9 eighties. The game room was built under permit 0A826039, and
10 I just verified with the Inspector that that means that the
11 game room was built in nineteen eighty-two.

12 CHAIR JARRETT: Okay. Okay.

13 MS. HALE: Okay.

14 MS. HASAN: So, it's consistent with what I
15 remembered.

16 MS. HALE: Want to call the question?

17 CHAIR JARRETT: Yes.

18 MR. LARSON: Call the question.

19 CHAIR JARRETT: Are we ready?

20 MR. LARSON: Yes.

21 CHAIR JARRETT: We'll just call the question. All
22 in favor of the motion say aye please.

23 BOARD MEMBERS: Aye.

24 CHAIR JARRETT: And in, that -- do we have any nays
25 there?

1 MR. WEYMOUTH: You've got to ask.

2 CHAIR JARRETT: Was that unanimous?

3 MS. HALE: You know what, call every, call --

4 CHAIR JARRETT: Yes, do we have a nay?

5 MR. CROGNALE: No.

6 CHAIR JARRETT: No?

7 MS. HALE: No.

8 CHAIR JARRETT: Okay, so it was unanimous then. All
9 right, next case.

10 MR. EISENBAND: Thank you very much.

11 MR. WEYMOUTH: Thank you.

12 INSPECTOR MASULA: Thank you Board.

13

14 **2. Case: CE15060588**

INDEX

15 **RUBIO, JULIAN E RUBIO, LISA T**

16 **99 ROYAL PALM DR**

17 MS. GOLDWIRE: Next case is on page one, case number
18 is CE15060588, the property address is 99 Royal Palm Drive.
19 The owners are Julian E. Rubo, Rubio and Lisa T. Rubio. The
20 Inspector is Alejandro DelRio.

21 The property was posted on 6/24/15 and advertised in
22 the Daily Business Review on 6/26/15 and 7/2/15. Additional
23 proofs of service are noted on the agenda.

24 INSPECTOR DELRIO: Good afternoon members of the
25 Board, Alejandro DelRio, Building Inspector for the City,

1 presenting case number CE15060588 listed on today's agenda. I
2 would like to enter into the records a disk with photos
3 showing the current condition of the property.

4 [Inspector DelRio displayed photos of the property]

5 As you will see on the photos, this property was
6 partially demolished and only a few walls were left standing.
7 Permit number 14041025 for addition and interior renovation
8 was left to expire and no construction activity have been
9 observed since this case was opened.

10 A Notice of Violation was mailed to the owner on
11 records on Broward County Property Appraiser's on June 23,
12 2015. No response from the property owner has been received.
13 I visited the property on July 7, 2015 and observed that the
14 property remains in the same condition. We are asking the
15 Board to find that this, for the City that this property is
16 unsafe and to order the owner to have it repaired or
17 demolished within thirty days.

18 CHAIR JARRETT: Thank you Inspector. I have, did
19 you say when the last inspection was?

20 INSPECTOR DELRIO: Last inspection, July 7.

21 CHAIR JARRETT: Of this year?

22 INSPECTOR DELRIO: Yes.

23 CHAIR JARRETT: Oh, your inspection.

24 INSPECTOR DELRIO: My inspection.

25 CHAIR JARRETT: I'm talking about the inspection on

1 the building permit.

2 INSPECTOR DELRIO: On the permit?

3 MS. HALE: On the permit.

4 MR. WEYMOUTH: On the permit that you referenced.

5 INSPECTOR DELRIO: Don't have that information right
6 away.

7 CHAIR JARRETT: What was the year for the permit?

8 INSPECTOR DELRIO: The permit is, it was applied for
9 on April 2014, and it was left to expire without any
10 inspection.

11 CHAIR JARRETT: Okay. Because obviously they had
12 inspections if they got that far with it.

13 INSPECTOR DELRIO: No.

14 CHAIR JARRETT: No?

15 MR. WEYMOUTH: No, that's what's left over from the
16 original structure.

17 INSPECTOR DELRIO: No.

18 [People speaking at the same time]

19 CHAIR JARRETT: Oh not, so they never called for a
20 demo inspection?

21 MR. WEYMOUTH: What was the permit for?

22 INSPECTOR DELRIO: The permit was for interior
23 renovation and an addition.

24 MR. WEYMOUTH: Interior renovation?

25 INSPECTOR DELRIO: And -- it's obvious that they

1 went out of the scope of the permit, as you can see in the
2 pictures.

3 MR. WEYMOUTH: Okay.

4 MS. HALE: Um-hm.

5 CHAIR JARRETT: Okay. Okay, do we have any
6 questions for the Inspector or are we going to wait and hear
7 what the respondent has to say? I think we're going to have,
8 step right up, identify yourselves --

9 MR. LARSON: I want to hear what the man says with
10 all the papers.

11 CHAIR JARRETT: -- and your connection.

12 MR. RUBIO: I'm Julian Rubio. And one thing, the
13 permit was ask on April, but we, it was approved in January of
14 this year. Yes, so, January 2015 was when the permit was
15 approved. We've been going through permitting process for
16 almost a year. And we have now, an application for totally
17 demolish the property, you know. There's some plans here, and
18 that's our demolition plan that we have here that goes
19 according to what we did and that was approved. He's the
20 contractor he'll be able to explain to you.

21 MR. DEL-TORO: Good afternoon.

22 CHAIR JARRETT: Good afternoon.

23 MR. DEL-TORO: My name is Antonio Del-Toro with
24 Allstate Building Contractors and what we run through the City
25 was the, what we demolished. The thing is, the application

1 wasn't reflecting the plans that we approved. So the City
2 approved the plans but the application never was changed from
3 interior demolition to what was demolished, which is about
4 eighty percent of the house.

5 So, the walls that are left is in the plans and the
6 plans that we did for the remodeling reflects the new
7 structure on everything that we demolished. So, the thing is
8 that we never put a new application for this [inaudible] that
9 was approved from the City, that was the mistake in there.

10 So we just met with the Inspector this morning, with
11 Alex Fernandez [sic], Assistant Building Official, and we
12 clarified with him that we are doing a new application,
13 removing the walls that is there because there is not much to
14 be saved in there. The structural, the foundation is in good
15 shape, and we're going also have plans for the structural, the
16 grade beams and everything. And it was approved, it was never
17 pulled out as a permit.

18 But we got the permits in January 15 of this year
19 for demolition and for the house and the house has been
20 approved. Now it's expired, we have to renew it and get a new
21 application for the demolition and knock down the rest of the
22 walls and left the foundation that is sound. So that's -- so
23 we would like just to have some time to do that.

24 CHAIR JARRETT: All right, Michael has a question
25 for you.

1 MR. WEYMOUTH: Thank you Mr. Chair. Mr. Rubio, how
2 long have you owned this property?

3 MR. RUBIO: Since April 2012.

4 MR. WEYMOUTH: So, you are the person who pulled the
5 permit in April 2014 to do the interior renovation.

6 MR. RUBIO: Initially we were going to start with an
7 interior renovation, but as we were going through the house
8 and we were finding the actual condition that it was, what was
9 supposed to be a renovation turned into pretty much like a new
10 property.

11 That initial plans, when we started we were calling
12 them, leaving some of the initial walls outside, but as we
13 were going through, we were seeing that the structure was
14 unsafe. I mean, all the second floor was wood, and what we
15 were thinking that we would be able to use in the back, you
16 know, it was in really poor condition. We did, they did some
17 probes of the walls. You know, I mean, it was a point and
18 after that I was well advised, he said, you know what, you're
19 going to spend more money trying to fix this house than going
20 through the whole process and going new.

21 The initial plans were more for a renovation. But
22 then the plans that we present for the demolition after that,
23 you know, the plans called for exactly what we did. If you
24 look at the plans and you look everything that is removed,
25 it's what is there and those plans for the demolition were

1 approved.

2 If it's a question now that you consider that it's
3 unsafe, what is right there in the property, you know, that
4 has to be demolished, well that's something that we can talk
5 about. But what we did in terms of the demolition was exactly
6 what is in the plans that are approved.

7 MR. WEYMOUTH: So, is your intention now to take
8 down the remaining exterior walls, but leave the slab?

9 MR. DEL-TORO: I'm sorry?

10 MR. WEYMOUTH: You're going to take down the walls
11 but leave the foundation?

12 MR. DEL-TORO: No, there is no slab; there is grade
13 beams --

14 MR. WEYMOUTH: So there's huh?

15 MR. DEL-TORO: They are in good shape, and we have
16 also a plan [inaudible] the City and approved of the new
17 foundation, which is getting the grade beams bigger, and
18 putting tie beams in the area that's, that you need for the
19 new structure. So, that's going through the City [inaudible]
20 we never pulled the permit though. That's the only thing.

21 MR. WEYMOUTH: Are you planning to live there?

22 MR. RUBIO: The plan was to start construction in
23 January as soon as we got the plans, you know, it took us like
24 almost a year to get all the plans approved, going through all
25 the, you know. That's one of the reasons why the whole

1 project was changing from one scope to the other.

2 But based on the, some financial setbacks in this
3 year, I'm not planning to live there now. Actually, the
4 property's for sale and we are trying to sell it as a project
5 so that whoever goes there could be able to start the house
6 immediately and we could be able to avoid having to that place
7 empty for over a year. But at this point, as it is, the
8 property is listed for sale.

9 MR. WEYMOUTH: Well, so I'm going to freely
10 volunteered that I'm confused because if you're looking to
11 take down the exterior walls and apparently there's no
12 foundation other than a grade beam and some pilings, I'm not
13 sure what the City is asking to do if you're already planning
14 to do it. Unless you're just looking to expedite it to get it
15 taken down right now. Because I would assume that during
16 demolition in order to comply so that this is no longer an
17 unsafe structure, you're not going to go pull all the pilings
18 out of the ground, correct?

19 MR. DEL-TORO: No, the thing is that, the unsafe
20 structure --

21 MR. WEYMOUTH: No, this is for the City.

22 MR. DEL-TORO: I'm sorry.

23 MR. WEYMOUTH: This is for the City. I want to know
24 what the City's going to do in their demolition plan.

25 MS. HALE: What are you asking for Alejandro?

1 INSPECTOR DELRIO: We are asking for complete
2 demolition which will include the beams, yes. And in order to
3 pass final inspection, the lot needs to be perfectly clean and
4 sodded.

5 MR. LARSON: All right.

6 MR. CROGNALE: Mr. Chair?

7 MR. BARRANCO: I completely disagree with that. Sod
8 is not going to make this site any safer. So we as a Board, I
9 don't think, can rule that, to take grade beams out. It's not
10 unsafe to have a grade beam in the ground.

11 MR. WEYMOUTH: I again am following you down that
12 same rabbit hole. You and I are on the same page today.

13 CHAIR JARRETT: Joe?

14 MR. CROGNALE: Yes, my question is to the City is,
15 looking at the pictures it says the demolition permit was
16 issued for an interior demolition. Well I don't see any
17 interior demolition. There's supposed to be a structure
18 there.

19 MR. WEYMOUTH: It's been done.

20 [People speaking at the same time]

21 MR. CROGNALE: Interior demolition is for a existing
22 structure and then you get the permit for remodeling,
23 renovation of the interior, and then you apply for the demo
24 permit for that area of the house. But this house was never
25 completed. So how did they get an interior demolition permit?

1 CHAIR JARRETT: No, Joe, it was completed.

2 MS. HALE: They started out --

3 CHAIR JARRETT: They started out with a house, and
4 they were going to do just a renovation at the beginning --

5 MS. HALE: They started out --

6 CHAIR JARRETT: -- but as Mr. Rubio explained, what
7 happened was is they, as they were demoing the house, they
8 discovered that there were structural issues too. So then I
9 guess that led to the trusses coming off and the roof coming
10 out and it got out of hand.

11 MR. RUBIO: I mean, we had like --

12 MR. CROGNALE: There was roofs, everything was
13 intact prior to that.

14 CHAIR JARRETT: Correct.

15 MR. CROGNALE: I haven't seen any pictures to that
16 effect.

17 CHAIR JARRETT: Correct. No, because it --

18 MR. CROGNALE: Why --

19 CHAIR JARRETT: -- wasn't a case until all this came
20 up.

21 MR. DEL-TORO: The foundation of the plans, of the
22 house and everything that's been approved calls for the grade
23 beams to stay there. The unsafe structure, it will be the
24 walls that are standing because the grade beams won't be able
25 to be, there's not an unsafe structure from the grade beams if

1 the property is secure. So --

2 CHAIR JARRETT: Well, I think what the issue here is
3 that you want to sell the property and you want to retain the
4 value of the grade beams there and the pilings, which is
5 obvious. But you're in a situation where technically the way
6 our City ordinance is written, is that in order to technically
7 clear the property you have to clear the grade beams and you
8 have to do sodding after.

9 Now, having made that statement, I know that this
10 Board has reached agreements with other cases in the past, I
11 pass one of them every morning going to breakfast, where the
12 footers were left on a townhouse project in Victoria Park, and
13 we approved that. This Board approved that and the City
14 approved that.

15 So my first thought is can City staff work something
16 out, similar to what has been worked out in the past and bring
17 this case back in thirty days or something?

18 MR. RUBIO: Thank you.

19 CHAIR JARRETT: Because we've approved this in the
20 past.

21 MR. WEYMOUTH: If I can add to that.

22 CHAIR JARRETT: Sure.

23 MR. WEYMOUTH: And I don't know what interest you're
24 getting on the property to sell it, one thing or another. I
25 completely understand the value of the pilings and the grade

1 beam having some relevant value in the future. And I am one
2 who is not a proponent of demolishing stuff that has some
3 useful --

4 MS. HALE: Value.

5 MR. WEYMOUTH: -- life or what have you. Would you
6 guys be willing to pull a partial demolition permit to remove
7 the balance of the vertical exterior walls and taking it down
8 to a clean site with nothing but grade beams on it?

9 MR. DEL-TORO: Yes.

10 MS. HALE: Yes.

11 MR. DEL-TORO: Yes sir.

12 MR. WEYMOUTH: And do that in a timely fashion?

13 MR. DEL-TORO: Actually, that's what we spoke with -

14 -

15 MR. WEYMOUTH: Okay. And what did Alex say?

16 MR. DEL-TORO: Alex Hernandez. Yes. The thing is
17 that this --

18 MR. WEYMOUTH: Was Alex like this or was it like
19 that or was it like --

20 Mr. DEL-TORO: No, he said go ahead with that and
21 explain the Board that you're going to be doing that and that
22 we redo this permit that is expired for the house. The thing
23 gentleman is that to do a construction, to do our plans, it
24 takes six, eight months to go through the City. This is
25 already approved. Even though he doesn't live in the house --

1 MR. WEYMOUTH: It's approved, but it hasn't been
2 sold.

3 MR. DEL-TORO: No, I know.

4 MR. WEYMOUTH: Now you've got to find somebody and
5 that could be three years.

6 MR. DEL-TORO: I know.

7 MR. WEYMOUTH: So that's a little bit disturbing for

8 --

9 MR. DEL-TORO: I know, but we spoke with the realtor
10 and she said listen, this as a project is more sellable than
11 just a lot, because the person who is going to be coming here
12 is going to have to start from scratch. It's going to take
13 him a year to build what you have already ready to start. So
14 is from her point of view, is --

15 MR. WEYMOUTH: The plans are approved?

16 MR. DEL-TORO: -- it's best to sell the project.

17 MS. HALE: Yes.

18 MR. WEYMOUTH: The plans are approved in the City.

19 [People speaking at the same time]

20 MR. WEYMOUTH: They're ready to be issued

21 [inaudible]

22 MR. DEL-TORO: It's a beautiful house.

23 MR. WEYMOUTH: Huh?

24 MS. HASAN: [inaudible]

25 MR. DEL-TORO: It's a beautiful house. It's a --

1 MS. HALE: I'm sorry?

2 MR. WEYMOUTH: I don't doubt that it is a beautiful
3 house. And it's one thing to have the architect draw the
4 plans, it's another thing to have the plans drawn, submitted
5 to the City, and then you've got to find somebody that likes
6 the plans. I don't even want to go down there. We're here to
7 talk about an unsafe structure.

8 MR. DEL-TORO: [inaudible] preapproved and they
9 expired.

10 INSPECTOR OLIVA: George Oliva, Chief Building
11 Inspector, I just checked the drawing. The approved drawings
12 are the partial demo, not for the full demo. They have a set
13 of drawings here that they need to submit as a revision to
14 have a complete demo like the City's requesting. But this is
15 not even approved; it's not even stamped or anything --

16 MR. DEL-TORO: No, it's --

17 INSPECTOR OLIVA: -- just a nice set of drawings
18 that I just checked. But the City is willing to work with
19 them. They've got the drawings already. They've just got to
20 go submit for a revision to the master, have the master
21 renewed and finish removing the walls, and the City will be
22 fine with that, we will allow them enough time to get the
23 permits through and begin the work.

24 MR. WEYMOUTH: How long will it take to get those
25 permits? Five, six years?

1 INSPECTOR OLIVA: No, I would say in the next thirty
2 days or less --

3 MR. WEYMOUTH: [inaudible] right now. trying to get,
4 make a little joke of it, but --

5 INSPECTOR OLIVA: Yes, yes, funny.

6 MR. WEYMOUTH: But no, seriously --

7 INSPECTOR OLIVA: No, though, seriously Mike --

8 MR. WEYMOUTH: [inaudible] a demo permit like that -

9 -

10 INSPECTOR OLIVA: For that type of revision that he
11 needs to be done, that doesn't take too much. I will walk it
12 through for them.

13 MR. WEYMOUTH: Okay.

14 MR. DEL-TORO: Let me add something. Sir, I don't
15 have the last page, this is another one that went through the
16 City. But if you talk with, Eric is the runner that has the
17 plans he has the one that run through the City. So this is
18 not the one. I know --

19 MR. WEYMOUTH: Regardless of whether that is or is
20 not the right one. You've got a City --

21 MR. DEL-TORO: And you can take the plans, it's the
22 house, the structure of the house --

23 MR. WEYMOUTH: He's trying to tell you that he wants
24 to help you.

25 MR. DEL-TORO: I know, I know.

1 MR. WEYMOUTH: So I'd stop right there and say okay,
2 let's go to your office and you can help me.

3 INSPECTOR OLIVA: He's willing right now, but he
4 doesn't listen, so.

5 Mr. DEL-TORO: Okay. Sorry about that.

6 MR. WEYMOUTH: You know.

7 MR. DEL-TORO: We'll work with the City.

8 CHAIR JARRETT: You have to understand that once you
9 have a permit issued --

10 MR. DEL-TORO: Yes.

11 CHAIR JARRETT: You're off our agenda.

12 MR. DEL-TORO: Yes.

13 CHAIR JARRETT: You don't have to even come back.

14 MR. BARRANCO: It's simpler than that. Once we put
15 in and order a demo, and they're demoing it anyway --

16 CHAIR JARRETT: Right.

17 MR. BARRANCO: So they already agree with it.

18 MR. WEYMOUTH: Right. Exactly.

19 MR. BARRANCO: That's good.

20 CHAIR JARRETT: Well, but the issue is that the
21 Inspector has called for demo of --

22 MR. BARRANCO: It doesn't say that here.

23 MR. WEYMOUTH: So he's got some incentive, Thornie
24 to do it himself.

25 MR. BARRANCO: It doesn't say that here.

1 CHAIR JARRETT: Yes.

2 MR. WEYMOUTH: We can order a partial demolition of
3 the walls.

4 MR. BARRANCO: Right, it doesn't say that.

5 CHAIR JARRETT: Okay.

6 MR. WEYMOUTH: We can order a partial demolition of
7 the walls. They'll pull a permit to do it and the City's
8 happy with that. They're saying right now, they'd be happy
9 with that.

10 MS. HALE: Yes.

11 CHAIR JARRETT: Okay.

12 MR. WEYMOUTH: Not a full demolition, a partial
13 demolition.

14 MR. LARSON: Make a motion.

15 MR. CROGNALE: Thornie?

16 MR. LARSON: I agree with salvaging --

17 MS. HALE: Make the motion.

18 CHAIR JARRETT: All right, hold on, Joe has a
19 comment.

20 MR. CROGNALE: I have one question. If you order a
21 partial demolition and we get that down to the grade beams,
22 will that set of plans fit this new foundation, the existing
23 foundation --

24 MS. HALE: Yes.

25 MR. CROGNALE: The footprint will be identical jack

1 on jack.

2 MR. DEL-TORO: The footprint of the house is exactly
3 the same as what is now.

4 MR. CROGNALE: That's what I wanted --

5 MR. DEL-TORO: They're the same. Because it started
6 as a renovation, so it's exactly the same.

7 MR. CROGNALE: The footprint of the house is not
8 changed. Okay.

9 CHAIR JARRETT: Okay.

10 MR. CROGNALE: That answered my question.

11 CHAIR JARRETT: All right, does somebody want to
12 make a motion then? Michael?

13 MR. LARSON: Go for it Michael.

14 MR. WEYMOUTH: All right.

15 MS. HALE: Here [inaudible]

16 MR. WEYMOUTH: I move that we find that the
17 violations exist as alleged, and that we order the property
18 owner to partially demolish the structure within thirty-five
19 days. And that we order the City to demolish the structure
20 should the property owner fail to timely demolish. Such
21 demolition is to be accomplished by a licensed demolition
22 contractor pursuant to a City issued demolition permit. I
23 would further like to add to that the partial demolition
24 should include all of the existing vertical masonry walls, and
25 that demolition shall take it down to the existing grade beam.

1 Finally, for me, the demolition should include removal of all
2 debris from the site in totality, completely removed.

3 MR. LARSON: Second.

4 CHAIR JARRETT: All right, we have a motion and we
5 have a second. Do we have some discussion, further
6 discussion?

7 CHAIR JARRETT: No? Well, let's call the question.
8 All in favor say aye.

9 BOARD MEMBERS: Aye.

10 CHAIR JARRETT: And are there any nays? It carries
11 unanimous. You know what you have to do now, gentlemen, you
12 have to get on the ball and get those permits pulled.

13 MR. WEYMOUTH: Understand, the City's got a
14 different idea of demolition then what you do, so. Those
15 pilings, as you probably well know, are very expensive.

16 Mr. DEL-TORO: To put or to remove?

17 MR. WEYMOUTH; MR. DEL-TORO: Both. So --

18 MR. WEYMOUTH: You've got some incentive so to
19 speak, and you've got a Building Official, who has told you
20 he'll walk it through. That alone is worth a lot of money.
21 They don't even extend us the courtesy.

22 MR. DEL-TORO: No, we'll take care of it, we're
23 going to take care of it. Thank you.

24 MR. RUBIO: Thank you.

25 MR. DEL-TORO: Good afternoon.

3. Case: CE15061077INDEX**SMIGIEL, JOHN****1616 SW 18 AV**

MS. GOLDWIRE: The final case is --

CHAIR JARRETT: Okay.

MS. GOLDWIRE: The final case is on page three of our agenda, it's case CE15061077. The property address is 1616 Southwest 18 Ave. Owner is John Smigiel, Inspector is George Oliva.

The property was posted on 6/25/15 and advertised in the Daily Business Review on 6/26/15 and 7/2/15. Additional proofs of service are noted on the agenda.

MR. WEYMOUTH: This one looks a lot like the last one.

MS. GOLDWIRE: And the Inspector presenting is Jose Abin. Thank you.

CHAIR JARRETT: Can we have new pictures up?

MS. GOLDWIRE: Yes.

MS. HALE: They're saving them.

CHAIR JARRETT: Thank you ma'am. It went that-a-way. Joe's probably got it. Here, I'll send it this way just to be consistent.

MR. CROGNALE: What did you say John?

MR. BARRANCO: I didn't say anything.

MR. CROGNALE: Oh, I thought you said something.

1 INSPECTOR ABIN: All right, Jose Abin.

2 CHAIR JARRETT: All right, Inspector.

3 INSPECTOR ABIN: Jose Abin.

4 MS. GOLDWIRE: Jose Abin, Building Inspector for the
5 City. I'm presenting case number CE15061077 on today's
6 agenda. Property address is 1616 Southwest 18 Avenue.

7 This case was opened for USB hearing on June 15,
8 2015. The following pictures were taken by Chief Inspector
9 Oliva and the complainant for the original case that was
10 presented to the Special Magistrate for dock disrepair.

11 [Inspector Abin displayed photos of the property]

12 I would like to submit those pictures so you can
13 see. The pictures are showing two large vessels mooring at
14 the dock, broken pilings, a sagging deck into the waterway,
15 where the fuel pump, where there's a fuel pump located. And
16 you can see the dock is hinging and tilting and it's unsafe.
17 And we're asking the Board to find for the City that the wood
18 dock is unsafe and to order the owners of the building to have
19 it repaired or demolished in the next thirty days.

20 CHAIR JARRETT: And so, we don't have a respondent
21 at all do we?

22 MR. WEYMOUTH: I would like to make a motion.

23 INSPECTOR ABIN: We so not.

24 MR. LARSON: Go for it.

25 CHAIR JARRETT: Already? Not even ask a question,

1 huh?

2 MR. WEYMOUTH: It's, to me it's pretty evident and
3 so, I mean, you should probably ask if anybody --

4 CHAIR JARRETT: We're, Jose's a new Inspector, we
5 have to like, rattle his cage a little bit.

6 MR. WEYMOUTH: [inaudible] Board in a very nice way.
7 [People speaking at the same time]

8 CHAIR JARRETT: We can't just give him his first
9 case that easy.

10 MS. HALE: Oh, sure we can.

11 MR. BARRANCO: I've got a question, I've got one
12 question for José.

13 [People speaking at the same time]

14 CHAIR JARRETT: Okay John.

15 MR. LARSON: Just one, just one question.

16 MR. BARRANCO: There's a fuel pump on this dock?

17 INSPECTOR ABIN: There's a fuel pump on the dock and
18 it's right at the point where the dock is ready to collapse
19 into the waterway.

20 MR. BARRANCO: Is this a commercial property?

21 INSPECTOR ABIN: No, this is a residence.

22 MR. BARRANCO: And they've got a fuel pump?

23 MR. WEYMOUTH: That's got to be a dummy thing;
24 that's got to be something that's like a piece of art or
25 something. There's no way that that thing's working.

1 MR. BARRANCO: Yes, okay. I would hope not.

2 CHAIR JARRETT: Now that I see it, that's quite an
3 expensive piece of art, actually.

4 MR. WEYMOUTH: Yes [inaudible]

5 CHAIR JARRETT: Yes.

6 INSPECTOR ABIN: You can see those large boats that
7 are pulling on the moorings, which are making the dock go up
8 and down.

9 MR. BARRANCO: Okay.

10 INSPECTOR ABIN: And the pilings are broken. And, I
11 mean, it's ready to go into the waterway any day.

12 MR. WEYMOUTH: And -- this is probably more for
13 Inspector Oliva -- have you had any contact with the owner?

14 MS. HALE: Oh, there it is. There's the fuel.

15 INSPECTOR OLIVA: George Oliva, Building Inspector
16 for the City, no. I've been in that property three times. I
17 had knocked on the door, I have posted, I took it to Special
18 Magistrate for disrepair. He never showed up. It's getting
19 worse and worse. The neighbors keep complaining. I even have
20 a letter from one of the neighbors that he sent to us about --

21 MS. HALE: All right.

22 MR. WEYMOUTH: I get the drift.

23 INSPECTOR OLIVA: He doesn't --

24 CHAIR JARRETT: [inaudible] rental for the dock?

25 INSPECTOR OLIVA: He is renting the dock, so he

1 doesn't care about the property.

2 MS. HALE: It's going to --

3 MR. CROGNALE: How about the boat? That looks
4 worse, more unsafe than everything else.

5 MR. WEYMOUTH: Should I make a motion?

6 MS. HALE; MR. LARSON: Yes.

7 CHAIR JARRETT: Okay. We're ready. Let's make a
8 motion Mike.

9 MR. WEYMOUTH: I move that we find that the
10 violation exists as alleged and that we order the property
11 owner to demolish the structure within five days and that we
12 order the City to demolish the structure should the property
13 owner fail to in a timely, to timely demolish. Such
14 demolition is to be accomplished by a licensed demolition
15 contractor pursuant to a City issued demolition permit.

16 MR. LARSON: Second.

17 CHAIR JARRETT: All right, we have a motion and we
18 have a second and I suspect we're not going to have any
19 discussion. No? I'm looking both ways. All right, let's
20 call the question. All in favor say aye.

21 BOARD MEMBERS: Aye.

22 CHAIR JARRETT: Are there any nays? It carries
23 unanimously. That was much too easy José.

24 INSPECTOR ABIN: Well, he made it easy.

25 MS. HALE: We'll get you next time.

1 MR. WEYMOUTH: It's only uphill from there.

2 MR. BARRANCO: Good job José.

3 INSPECTOR ABIN: Thank you very much

4 MR. BARRANCO: Very efficient, everybody should be
5 like José.

6

7 **BOARD DISCUSSION**

INDEX

8 MS. GOLDWIRE: Do you all have any communications
9 for Commission?

10 MR. WEYMOUTH: I don't know whether it should go up
11 to the Commission or not. You know, I am troubled a little
12 bit by the fact that we are considering syringes and stuff
13 like that in trying to make a decision as to whether a
14 property is safe or unsafe.

15 So we may want to revisit the naming of this Board
16 and call it the Unsafe Conditions Board instead of Structures.
17 Because to me, that doesn't rise to the level of -- now,
18 agreed, that was built into a right-of-way and that kind of
19 thing so I'm all for it. But to sit here and look to syringes
20 to be a culprit in finding a building unsafe --

21 MS. HALE: I think that's more of a description of
22 the general either neighborhood or area that we're addressing
23 that it has gone downhill because of the conditions of the
24 building. I wouldn't say the syringes do anything for the
25 building; it's a description of the condition of the general

1 area.

2 CHAIR JARRETT: Well yes, I, you know, I see the
3 point that both of you are making, but I suspect that had it
4 not been on the setback, built on the setback and had it not
5 been added onto without permits it would have probably gone to
6 the Nuisance Abatement Board or one of the other boards. But
7 I suspect that because they had structural issues that they
8 brought up before our Board.

9 MS. HALE: Yes.

10 MS. HASAN: And Mr. Chair, if it's helpful to
11 address the Board members' concerns, I'd be happy to bring the
12 sections, applicable sections of the Florida Building Code and
13 some of my lecture materials that I've lectured on the unsafe
14 structures to show that there's a lot of different criteria
15 under which we can bring forward unsafe cases to this Board
16 for consideration. I'm happy to, you know, put a little
17 summation together of the sections.

18 MR. WEYMOUTH: My comment, I think that you guys are
19 absolutely operating within the guidelines that you need to,
20 so please don't think that that was a challenge. As a general
21 contractor, who has built stuff in the past, I look to this
22 and I see the dock is an unsafe structure; somebody walking
23 out there could go in the water.

24 The other thing, because of that syringe, alls, I
25 guess maybe what I'm doing is I'm just throwing it out there

1 for the Building Department to understand that unless they
2 come with something more substantial as an unsafe structure
3 I'm going to question and fight against something that's being
4 torn down because they have jumper cables going from the
5 transformer to the weather head. I mean, that to me, again,
6 doesn't warrant being an unsafe structure. Sorry to have
7 taken everybody's time with that.

8 MS. HASAN: Well, the -- the physical criteria
9 that's listed again in Section 116 of the Florida Building
10 Code, which is mandatory, under "Shall be deemed unsafe,"
11 there's a number of criteria, and it's not just necessarily
12 related to pure construction issues. And again, if the Chair
13 and the Board would like, I'm happy to go over that at a
14 future meeting and pass out a little handout.

15 But, just one of the issues is an unsanitary
16 condition exists by reason of inadequate sanitary facilities
17 or waste disposal systems. You know, again, there's a number
18 of criteria that doesn't just relate to construction issues.

19 MR. WEYMOUTH: Understand. No, I honestly
20 understand.

21 MS. HASAN: And that's why we bring it to the
22 Board's determination

23 MR. WEYMOUTH: But also understand that when that
24 comes up, I will now be looking for you to say hey, where does
25 this fall under the guidelines. So.

1 CHAIR JARRETT: But --

2 MR. BARRANCO: Right.

3 CHAIR JARRETT: But Michael, I'd like to make the
4 comment that as a general contractor, you're looking at the
5 structural issues, but your comment about jumper cables on the
6 meter, I'm the electrical contractor on the Board and I can
7 tell you that's an extremely unsafe structure if it's got
8 jumper cables.

9 MR. WEYMOUTH: No, it's an unsafe condition.

10 CHAIR JARRETT: Well, that defines the structure.

11 MR. WEYMOUTH: Okay.

12 MR. BARRANCO: Yes.

13 CHAIR JARRETT: That, an unsafe condition defines an
14 unsafe structure.

15 MR. WEYMOUTH: Okay.

16 CHAIR JARRETT: So that's one of the [inaudible]

17 MR. BARRANCO: I think Mike's trying to keep us from
18 going on a tangent.

19 MR. CROGNALE: I think that's going to end up --

20 MR. BARRANCO: We go on tangents ourselves a lot
21 sometimes when we ask those questions. And when staff is kind
22 of feeding us that information too it just puts us on that
23 tangent a lot easier. I'm very black and white when it comes
24 to this stuff, I'm like, is it safe or unsafe? I've always
25 been that way; I've always been consistent. And a lot of

1 these other issues and how the neighborhood feels about this
2 stuff, that's great. But at the end of the day, it is or it
3 isn't and that's it.

4 So we're just asking staff to present things in a
5 way where we're just looking at structures. I mean, syringes?
6 They're not regulated by the Building Code; they're regulated
7 by ICRA [phonetic], they're regulated by other things, but
8 they're not regulated by anything in the Building Code. So, I
9 think that's the point Mike's trying to make. We get crazy
10 enough up here and you know, ask the wrong questions all by
11 ourselves. We don't need additional information that confuses
12 anything.

13 MS. HASAN: And, point well taken. I just, like I
14 said, to us there's other criteria that make buildings unsafe,
15 mandatorily unsafe in the code, and we thought that that was
16 part of a component of one of the many components of that
17 first case.

18 MR. CROGNAL: Comment. On that same theory about
19 unsafe structure or unsafe conditions. I think this Board is
20 under the mandate of dovetailing both of them under the same
21 thing, because it's called Unsafe Structures Board. Because
22 every community that I know of has an Unsafe Structures Board,
23 but they don't have an Unsafe Conditions Board.

24 I think this goes with the territory that we have to
25 dovetail when we see unsafe conditions and unsafe structure,

1 we have to take it upon ourselves to now mitigate one and the
2 other and make the decision. Mike brings up a good point, he
3 makes up an excellent point, but I think then that you would
4 now require another board called Unsafe Condition Board in
5 addition to the Unsafe Structures Board.

6 MS. HASAN: I guess --

7 MR. CROGNALE: And if it pays more, I'd apply.

8 MS. HASAN: Well, it would be obviously up to the
9 determination and discretion of the Board to determine if the
10 unsafe condition or conditions rise to the level of an unsafe
11 structure, taken individually or in total that would warrant
12 either a repair or demolition.

13 MR. CROGNALE: It falls within our mandate.

14 MS. HASAN: Correct.

15 MR. WEYMOUTH: Very good.

16 MS. HALE: Okay.

17 CHAIR JARRETT: Okay, well, if we don't have any
18 more discussion, we can all leave fifty-five minutes early
19 today from work.

20

21 **COMMUNICATION TO THE CITY COMMISSION** INDEX

22 None.

23

24 **FOR THE GOOD OF THE CITY** INDEX

25 No comments.

1 [Meeting concluded at 4:05 p.m.]
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BOARD CLERK



THORNIE JARRETT, CHAIR


[Minutes prepared by: J. Opperlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held July 16, 2015, at 3:00 p.m., City Hall, 100 North Andrews Avenue, 1st Floor Commission Chambers, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 20th day of August, 2015.

PROTOTYPE, INC.



JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 20th day of August, 2015.



D. J. GROSSFELD
MY COMMISSION # FF 215905
EXPIRES: April 26, 2019
Bonded Thru Budget Notary Services


NOTARY PUBLIC
State of Florida